

**Corrected
Notice of Allowability**

Application No.

10/607,434

Examiner

FRANCES P. OROPEZA

Applicant(s)

ANSTADT ET AL.

Art Unit

3766

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE and Amendment (9/11/08).
2. ☒ The allowed claim(s) is/are 132, 134-149, 156, 157, 159-162, 245-252 and 256-277.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date See Continuation Sheet
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 9/28/08
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

/Frances P. Oropeza/
Patent Examiner, Art Unit 3766
October 27, 2008


CARL H. LAYNO
SUPERVISORY PATENT EXAMINER

Continuation of Attachment(s) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date: 2/12/07, 3/13/07, 9/29/08.

This Notice of Allowance is being resent as it apparently was lost in the USPTO mailing system

ALLOWANCE

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview between Brian P. O'Shaughnessy and Frances P. Oropeza on 9/29/08.

The application has been amended as follows:

In claim 132, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 132, line 1, "131" has been deleted and --245-- has been inserted.

In claim 134, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 134, line 1, "131" has been deleted and --245-- has been inserted.

In claim 136, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 136, line 1, "131" has been deleted and --245-- has been inserted.

In claim 137, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 137 line 1, "131" has been deleted and --245-- has been inserted.

In claim 138, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 139, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 139, line 1, "131" has been deleted and --245-- has been inserted.

In claim 140, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 140, line 1, "131" has been deleted and --245-- has been inserted.

In claim 141, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 141, line 1, "131" has been deleted and --245-- has been inserted.

In claim 142, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 142, line 1, "131" has been deleted and --245-- has been inserted.

In claim 143, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 144, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 145, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 145, line 1, "131" has been deleted and --245-- has been inserted.

In claim 146, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 147, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 148, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 148, line 1, "131" has been deleted and --245-- has been inserted.

In claim 149, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 149, line 1, "131" has been deleted and --245-- has been inserted.

In claim 156, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 156, line 1, "131" has been deleted and --245-- has been inserted.

In claim 156, lines 1-2, "at least one" and "of said algorithm" have been deleted.

In claim 156, lines 2-3, "direct mechanical ventricular assistance apparatus" has been deleted and --cardiac assist device-- has been inserted.

In claim 157, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 157, line 1, "131" has been deleted and --245-- has been inserted.

In claim 157, lines 1-2, "at least one" and "of said algorithm" have been deleted.

In claim 157, lines 2-3, "direct mechanical ventricular assistance apparatus" has been deleted and --cardiac assist device-- has been inserted.

In claim 159, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 159, line 1, "131" has been deleted and --245-- has been inserted.

In claim 159, line 2, "exporting of said at least one" and "the" have been deleted.

In claim 160, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 160, line 1, "131" has been deleted and --245-- has been inserted.

In claim 161, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 161, line 1, "131" has been deleted and --245-- has been inserted.

In claim 159, line 2, "exporting of said at least one" and "the" have been deleted.

In claim 162, line 1, "process as recited in" has been deleted and --the method of-- has been inserted.

In claim 162, line 1, "131" has been deleted and --245-- has been inserted.

In claim 245, line 14, after "sensor", --measuring at least one parameter-- been inserted.

In claim 265, line 8, after "groove", --throughout systolic and diastolic actuation by imposing negative pressure between said cup and said heart-- has been inserted.

In claim 265, line 9, "and said tapered section is" has been deleted and --wherein the liner comprises a tapered unbonded transition section reducing in thickness to a thin section forming the liner-- has been inserted.

Claim 276 has been cancelled.

Request for Continued Examination

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/11/08 has been entered.

Drawings

3. The drawings filed 6/26/03 are accepted, and are to be published in the patent document.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fran Oropeza whose telephone number is (571) 272-4953. Fran's schedule is Monday and Tuesday 9AM-7PM EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl H. Layno can be reached on (571) 272-4949. Carl's schedule is Monday, Wednesday, Friday 9AM-5 PM EST; Tuesday, Thursday 9AM-3PM and 9PM-11PM EST. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communication and for After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Frances P. Oropeza/
Patent Examiner, Art Unit 3766
September 29, 2008

/Carl H. Layno/

Supervisory Patent Examiner, Art Unit 3766